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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,836	07/01/2003	Chin-Lai Su	PUSA030552	6709

7590

03/01/2004

Chin-Lai Su  
58, MA YUAN WEST ST.  
TAICHUNG,  
TAIWAN

EXAMINER
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TSIDULKO, MARK

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,836

Applicant(s)

CHIN-LAI SU

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/01/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-4, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers (US 5,903,212) in view of Cheng (US 5,860,724).

Referring to Claim 1 Rodgers discloses a main body (drinking glass-Fig.5), (Figs.2-4) an "ice cube" having a transparent cover [CP], a circuit board [PC] mounted in cover, a light emitting member [FT] mounted on and connected to a circuit board [PC] and two connecting legs [11] and [13] the circuit board (Fig.8) for contact with a liquid.

Rodgers discloses the instant claimed invention except for the transparent cover mounted on the main body.

Cheng discloses (Fig.4) a main body (not indicated by number) that used as container for melted ice.

Referring to Claims 2, 9 Rodgers discloses the instant claimed invention including the main body having a top provided with an annular wall formed with a receiving chamber.

Rodgers discloses (Fig.5) the main body having an annular wall formed with a receiving chamber in order to contain a liquid.

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Referring to Claims 3, 4 Rodgers discloses the instant claimed invention except for light emitting device mounted in the receiving chamber for contact with the liquid.

While Cheng discloses a light emitting device mounted on a ice sculpture (col.2, line 46) for contact with melted ice, it will of course be understood, that the device may be mounted at any place of chamber for the same reason.

Referring to Claim 8 Rodgers discloses (Fig.4) the light emitting member located in an inner space of the cover.

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~~It would have been obvious to one having ordinary skill in the art, at the time the~~  
invention was made, to provide the main body of Cheng for mounting the light emitting device of Rodgers in order to allow the device to perform its main function: to provide illumination, as a result of contact with a liquid.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers, Cheng (US 5,860,724) as applied to claim 2 above, and further in view of Vanderschuit (US 6,416,198).

Rodgers et al. disclose the instant claimed invention except for that the cover has an opened bottom and a light emitting device has a bottom plate mounted in the bottom of the cover.

Vanderschuit discloses (Fig.1) a beverage accessory device wherein cover [11] has an opened bottom for installation of the light emitting device which includes a bottom plate [14] mounted in the bottom of the cover.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the cover of Rodgers et al. having an opened bottom in order to

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insert the lighting device and bottom plate for installation of the light emitting device, as taught by Vanderschuit.

*Allowable Subject Matter*

Claims 6, 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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~~The following is an examiner's statement of reasons for allowance:~~

Referring to Claim 6 the prior art of record fails to show the ornament wherein a circuit board is rested on the bottom plate.

Referring to Claim 7 the prior art of record fails to show that the legs of the circuit board are extended through the bottom plate.

Referring to Claim 7 the prior art of record fails to show a plurality of reflective members mounted in an inner space of the cover for reflecting the light.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
February 13, 2004



AL N. CARIASO  
PATENT EXAMINER